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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,509

04/02/2004

Frank Lubischer

1-25175

3145

46582

7590

02/10/2006

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

ZANELLI, MICHAEL J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,509	<b>Applicant(s)</b> LUBISCHER, FRANK	
	<b>Examiner</b> Michael J. Zanelli	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,23,24 and 28 is/are rejected.
- 7) ☒ Claim(s) 2-5,11-22 and 29-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/8/04</u> .                                                              | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The application filed 4/2/04 has been examined. The preliminary amendment has been entered. Claims 1-25 and 28-32 are pending.
2. The preliminary amendment to the claims filed on 4/2/04 does not comply with the requirements of 37 CFR 1.121(c) because “New” claim 32 (line 1) contains markings. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c)(3) which states: “Any claim added by amendment must be indicated with the status of “new” and presented in clean version, *i.e.*, without any underlining.”
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
4. The IDS filed 7/8/04 has been considered.
5. Claims 1-24 and 28-31 are objected to because of the following informalities:
  - A. As per claim 1, the claim is to a “Process”, but the body of the claim does not positively recite “steps”. Lines 4-13 set forth “structures” defining a motor vehicle. The examiner suggests inserting --providing-- before “a motor vehicle” at line 4 and deleting “with the operating” at line 8. At line 9 indent and rewrite new paragraph as  
--automatically controlling and regulating the operating conditions of the vehicle unit and as desired by the driver through cooperation of at least two ...--.
  - B. All claims depending from an objected base claim are also objected to as containing the same deficiencies.

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6. Claims 6-10, 23, 24 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. As per claim 6, “the amplification is reduced” lacks antecedence since no previous “amplification” step has been recited.
- B. As per claim 9, “the actuation speed and the actuation force” lacks antecedence.
- C. As per claim 23, “the power assistance supplemented by the electronic steering system” lacks antecedence.
- D. As per claim 24, “the transmission of the electronic steering system” lacks antecedence.
- E. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 25 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Akiyama et al. (6,862,508).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

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A. As per claims 1, 25 and 32, Akiyama discloses an electronic system for a motor vehicle comprising: electronic braking system (22), electronic engine control (12), electronic drive-train control (13), electronic steering control (24) and electronic communication system (L1-L4) linking the various control systems whereby cooperative control is achieved by the interaction of at least two or more of the control systems (Abs; col. 4, lines 50+). The nature of the vehicle (i.e., mobile vehicle and trailer) is given little patentable weight since this is an intended use of the claimed system. Furthermore, there are no limitations within the claims that would distinguish the system found in a vehicle with a trailer and one without.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of the prior art in view of Koenig et al. (6,446,998).

A. Page 2, lines 8-27 describes known electronic systems found in modern vehicles and that these systems communicate with each other over an electronic communication system. The claimed difference is the intended use of the system in vehicle's coupled to a trailer and that at least two of the known electronic systems cooperate to control and regulate vehicle operations.

B. Koenig discloses a motor vehicle/trailer combination (Fig. 1) which uses at least braking control and engine control to stabilize the operation of the vehicle/trailer (col. 6,

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lines 55-62). One of ordinary skill in the art at the time of invention would have found it obvious to utilize the teachings of Koenig in "modern" vehicles with the control systems noted above because it would have provided improved stability.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

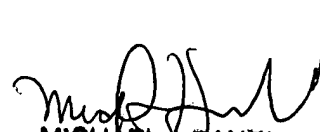
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969.

The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz

  
MICHAEL J. ZANELLI  
PRIMARY EXAMINER